BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
November 5, 2008

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:05 P. M., Tuesday, November 5, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Harry E. Crisp, Paul V. Milde, George H. Schwartz, Chairman; Robert "Bob" Woodson, M. S. "Joe" Brito, Vice Chairman; and Mark Dudenhefer. Cord A. Sterling arrived at 7:00 P. M.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

<u>Legislative</u>; <u>Presentation by Woody Van Valkenburgh</u>. Mr. Van Valkenburgh, President and CEO of Rappahannock Goodwill Industries, gave a presentation on the Report to the Community and responded to Board members questions.

Legislative; Presentations by the Public. The following persons spoke on topics as identified:

Janelle Smith - Grapevine Lane, Concord Estates.

Dana Brown - Bylaws.

Lou Silver - Trusting of people.

Non-Conforming Uses.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u>. Board members spoke on topics as identified:

Mr. Woodson - Attended GWRC Meeting.

- Visited Brooke Point High School.

- Attended Transportation Bond Referendum public

informational meetings.

- Attended Patawomeck Park event.

Mr. Brito - Attended 21 meetings and events since last

presentation.

- Lowes Ribbon Cutting Ceremony on Warrenton

Road.

Mr. Crisp - Hosted Town Hall Meeting at Ray Grizzle Center

Mr. Dudenhefer - Road safety; Transportation Bond Referendum.

Mr. Milde - Transportation Bond Referendum.

Met with Owners of Comfort Inn.

Attended GWRC Meeting.

- Crows Nest.

Marine Corp Museum.

- Government Island.

- Senior Meals Program.

- Attended Virginia Railway Express Meeting.

Andrew Chapel Road Meeting.

Attended Quick Books Meeting.

Attended EDA Reception.

- Attended Brooke Fire House Meeting.
- Aquia Harbour installation of officers.
- At-Large Chairman issue.

Mr. Schwartz - No comments.

<u>Legislative</u>; <u>Report of the County Attorney</u>. Mr. Joe Howard, County Attorney, commented on the following:

Closed Meeting – added two items.

<u>Legislative</u>; <u>Report of the County Administrator</u>. Mr. Anthony Romanello, County Administrator, commented on the following:

- Regional Water Agreement.
- Regular Agenda additions Legislative; Appoint Member to Board of Social Services Proposed Resolution R08-534 (Requested by Mr. Woodson)

 Legislative; Discuss Convenience Commercial Zoning Districts
 (Requested by Mr. Milde)

 Legislative; Discuss CUP and Proffer Amendment for Stafford Hospital
 Center (Requested by Mr. Milde)

<u>Legislative</u>; <u>Additions/Deletions to the Regular Agenda.</u> Mr. Woodson motioned, seconded by Mr. Milde, to add items 19, 20 and 21.

The Voting Board tally was:

Yea: (6) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp,

Nay: (0)

Absent: (1) Sterling

<u>Legislative</u>; <u>Additions/Deletions to the Closed Meeting Agenda.</u> Mr. Brito motioned, seconded by Mr. Woodson, to add two items to the Closed Meeting Agenda.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Dudenhefer, Woodson, Brito, Crisp

Nay: (0)

Absent: (1) Sterling

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Woodson motioned, seconded by Mr. Brito, to adopt the Consent Agenda consisting of Items 3 thru 9, removing Items 4 and 8.

The Voting Board tally was:

Yea: (6) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde

Nay: (0)

Absent: (1) Sterling

<u>Item 3. Budget and Finance; Approve Expenditure Listing.</u>

Resolution R08-502 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED OCTOBER 8, 2008 THROUGH NOVEMBER 4, 2008

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November 2008, that the above-mentioned EL be and it hereby is approved.

Item 5. Transportation; Petition VDOT in Include the Extension of Austin Ridge Drive, within Austin Ridge Subdivision, from Century Street to Courthouse Road into the Secondary System of State Highways.

Resolution R08-501 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE THE EXTENSION OF AUSTIN
RIDGE DRIVE WITHIN AUSTIN RIDGE SUBDIVISION, FROM CENTURY
STREET TO COURTHOUSE ROAD INTO THE
SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to include the extension of Austin Ridge Drive within Austin Ridge Subdivision, from Century Street to Courthouse Road into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November 2008, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Austin Ridge Subdivision, into the Secondary System of State Highways:

<u>Street</u> <u>Station</u> <u>Length</u>

Austin Ridge Drive (SR-1486) Fr: Inter. Century Street (SR-1933) 0.64 Mi.

To: Inter. Courthouse Road. (SR-630) 90' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Plat Right-of-Way Dedication, LR 080014020, PM 080000133, recorded August 5, 2008; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Residency Administrator of VDOT.

<u>Item 6. Legislative; Authorize Public Hearings.</u>

Resolution R08-515 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER PARTICIPATION IN THE VML/VACO OPEB POOLED TRUST

WHEREAS, the County must comply with GASB 45 and disclose the liability associated with Other Post Employment Benefits (OPEB); and

WHEREAS, using a trust will reduce the amount of the liability; and

WHEREAS, VML/VACO has established a pooled trust for such purpose; and

WHEREAS, County staff has determined that it is beneficial to join VML/VACO pooled trust; and

WHEREAS, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November, 2008 that the County Administrator be and he herby is authorized to set a public hearing to participate in the VML/VACO OPEB pooled trust.

Resolution R08-517 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO GRANT CONVEYANCE OF
TRAFFIC CONTROL SIGNAL EASEMENTS TO VIRGINIA DEPARTMENT
OF TRANSPORTATION

WHEREAS, Virginia Department of Transportation has requested easements on County-owned property at Plantation Drive and Lyons Boulevard, Tax Map 45 Parcel 14-F, and in the public right-of-way adjacent to Lyons Boulevard known as Gladstone Drive; and

WHEREAS, the granting of the easements will allow the placement of traffic signal equipment at the intersection of Plantation Drive and Lyons Boulevard; and

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires that a public hearing be held prior to the granting of such easements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing on the granting of easements to Virginia Department of Transportation.

Item 7. Economic Development; Support Preserve America Grant Application for Government Island.

Resolution R08-513 reads as follows:

A RESOLUTION TO SUPPORT A PRESERVE AMERICA GRANT APPLICATION FOR GOVERNMENT ISLAND

WHEREAS, in the spring of 2008, the County applied for and was awarded designation as a Preserve America Community; and

WHEREAS, this designation is granted by a special Advisory Council on Historic Preservation in conjunction with the U.S. Departments of the Interior and Commerce for the purpose of enhancing community efforts to increase the shared knowledge of the nation's past, strengthen regional identities, promote local pride and preserve the country's cultural and natural heritage assets; and

WHEREAS, having been recognized as a Preserve America Community, Stafford County is eligible to apply for grant funding for specific projects that satisfy the requirement of the funding authority; and

WHEREAS, the history of Government Island directly links the County to history of Washington, D.C. when, in 1791, the federal government purchased the island to supply stone for prominent federal public buildings, including the White House and the U.S. Capitol; and

WHEREAS, Stafford County has been working diligently to develop a publicly accessible Government Island trail to tell the story of the significant role of this Colonial quarry site as it relates to the history of our nation; and

WHEREAS, the Board desires to establish a Government Island trail in a pristine and scenic park setting to draw attention to the area's inhabitants from the Paeliondiean

Period, prior to 8000 B.C., through the Colonial Quarry era, making this rich history publicly accessible to both residents and visitors from around the world;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November 2008, that the County Administrator be and he hereby is authorized to apply for a Two Hundred Fifty Thousand Dollar (\$250,000) grant for Government Island through the Preserve America initiative; and

BE IT FURTHER RESOLVED that Stafford County acknowledges fully the economic development aspect of heritage tourism and remains committed to protecting its historic treasures to encourage citizens and visitors to experience and appreciate the rich and diverse heritage of our community.

Item 9. Public Information; Approve a Proclamation to Recognize and Commend Raymond Simms as the Recipient of the Clean Water/Bay Friendly Farm Award.

Proclamation P08-18 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND RAYMOND SIMMS AS THE RECIPIENT OF THE 2007 CLEAN WATER/BAY FRIENDLY FARM AWARD

WHEREAS, the Tri-County/City Soil and Water Conservation District (Tri-County/City SWCD) serves Stafford, King George and Spotsylvania counties and the City of Fredericksburg; and

WHEREAS, the mission of the Tri-County/City SWCD is to provide technical assistance, educational programs, newsletters and volunteer opportunities to citizens to raise awareness about water quality, nonpoint source pollution and stream health; and

WHEREAS, in cooperation with the Virginia Department of Conservation and Recreation, farmers in each jurisdiction are recognized for employing valuable management practices which conserve precious natural resources; and

WHEREAS, Raymond Simms, manager of Glencairne Farm in Stafford, has been selected to receive the 2007 Clean Water/Bay Friendly Farm Award; and

WHEREAS, Raymond Simms has demonstrated a commitment to the conservation of natural resources through responsible farm nutrient practices including planting ground cover to prevent soil from washing into nearby streams; applying the correct amount of fertilizer; installing fencing to keep cattle away from bodies of water; and establishing smaller fields to better utilize forages and rotational grazing systems; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the environmentally sustainable farming practices adopted by Raymond Simms, and to commend him for the example he sets for other agricultural enterprises throughout the County;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of November 2008 that Raymond Simms be and he hereby is commended as the recipient of the 2007 Clean Water/Bay Friendly Farm Award.

<u>Parks and Recreation; Adopt the Facilities Plan for Stafford County Parks and Recreation.</u> Mr. Woodson commented.

Mr. Woodson motioned, seconded by Mr. Schwartz to refer this item to the Planning Commission to decide how it fits with the Comprehensive Plan.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Milde, to adopt proposed Resolution R08-360.

The Voting Board tally was:

Yea: (5) Dudenhefer, Brito, Crisp, Milde, Schwartz

Nay: (1) Woodson

Absent: (1) Sterling

Resolution R08-360 reads as follows:

A RESOLUTION TO ADOPT THE FACILITIES PLAN FOR STAFFORD COUNTY PARKS AND RECREATION

WHEREAS, the parks were reviewed for current condition and potential improvements to accommodate citizens' needs and desires; and

WHEREAS, recommendations for improvements were made for each park and for currently undeveloped parks; and

WHEREAS, recommendations were made for land acquisition for parks; and

WHEREAS, at a meeting on July 17, 2008, the Parks and Recreation Advisory Commission endorsed the Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November, 2008, that the Board be and it hereby does adopt the Facilities Plan for Stafford County Parks and Recreation.

<u>Transportation</u>; Grant Use of an Unimproved Public Right-of-Way Known as Grapevine Lane to Construct a Driveway to an Abutting Recorded Easement. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Dudenhefer to defer this item for 90 days.

The Voting Board tally was:

Yea: (6) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde

Nay: (0)

Absent: (1) Sterling

<u>Legislative</u>; <u>Discuss Vehicle Decals</u> Ms. Laura Rudy, Treasurer, gave a presentation and responded to Board members questions.

Discussion ensued.

Hearing no objections from the Board, the Treasurer was requested to report back to the Board in December with year-end information.

<u>Legislative</u>; <u>Discuss Transportation Impact Fee Advisory Committee Appointments.</u> Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to appoint Harvey Gold to the Transportation Impact Fee Advisory Committee.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Crisp, to defer this until the next Board meeting.

The Voting Board tally was:

Yea: (6) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde

Nay: (0)

Absent: (1) Sterling

Mr. Brito motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-479.

The Voting Board tally was:

Yea: (4) Schwartz, Woodson, Brito, Crisp

Nay: (2) Milde, Dudenhefer

Absent: (1) Sterling

Resolution R08-479 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE TRANSPORTATION IMPACT FEES ADVISORY COMMITTEE

WHEREAS, the 2000 Virginia General Assembly enacted legislation which permits Stafford to levy Transportation Impact Fees; and

WHEREAS, the County is in the process of evaluating a proposed countywide Transportation Impact Fee program; and

WHEREAS, the enabling legislation requires the establishment of a Transportation Impact Fee Advisory Committee to advise the Board on the establishment of a Transportation Impact Fee program; and

WHEREAS, the advisory committee must consist of 5 to 10 members with at least 40% of such members being from the development, building or real estate industries; and

WHEREAS, the Board desires to fill these vacancies;

NAME EXPIRATION

				Pleasure of the Board
	Member-At	-Large		
	Member-At	-Large		Pleasure of the Board
	Member-At			Pleasure of the Board
	Developmen	nt, Build	ling or Real Estate	Pleasure of the Board
	Developmen	nt, Build	ling or Real Estate	Pleasure of the Board
Super			RE, BE IT RESOLVED day of November, 2008, t	by the Stafford County Board of that
	(David Beil	er)]	Pleasure of the Board
	Member-At	-Large		
	·	••	•	mpact Fee Advisory Committee.
Mr. W	oodson moti	oned, sec	conded by Mr. Milde, to a	adopt proposed Resolution R08-541.
The V	oting Board t	ally was	:	
	Yea:	(6)	Milde, Schwartz, Dude	enhefer, Woodson, Brito, Crisp
	Nay:	(0)		
	Absent:	(1)	Sterling	

Resolution R08-541 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE TRANSPORTATION IMPACT FEES ADVISORY COMMITTEE

WHEREAS, the 2000 Virginia General Assembly enacted legislation which permits Stafford to levy Transportation Impact Fees; and

WHEREAS, the County is in the process of evaluating a proposed countywide Transportation Impact Fee program; and

WHEREAS, the enabling legislation requires the establishment of a Transportation Impact Fee Advisory Committee to advise the Board on the establishment of a Transportation Impact Fee program; and

WHEREAS, the advisory committee must consist of 5 to 10 members with at least 40% of such members being from the development, building or real estate industries; and

WHEREAS, the Board has previously appointed the following:

NAME	<u>EXPIRATION</u>
(David Beiler)	Pleasure of the Board
Member-At-Large	
	Pleasure of the Board
Member-At-Large	
	Pleasure of the Board

Member-A	t-Large		
			Pleasure of the Board
Developme	ent, Build	ing or Real Estate	
			Pleasure of the Board
Developme	ent, Build	ing or Real Estate	
NOW, TH	EREFO	RE, BE IT RESOLVED	by the Stafford County Board of
Supervisors on this	s the 5th	day of November, 2008,	that
NAME			EXPIRATION
(Patricia K	urpiel)		Pleasure of the Board
Member-A	t-Large)		
be and she hereby	is appoin	ted to the Transportation	Impact Fee Advisory Committee.
Mr. Crisp motione	d, second	led by Mr. Woodson, to a	adopt proposed Resolution R08-542.
The Voting Board	tally was	:	
Yea:	(5)	Woodson, Brito, Crisp	, Dudenhefer, Schwartz
Nay:	(1)	Milde	
Absent:	(1)	Sterling	
Resolution R08-	542 reads	s as follows:	
AF	RESOLU'	ΓΙΟΝ ΤΟ APPOINT A Ν	MEMBER TO THE
TR.	ANSPOR	TATION IMPACT FEE	S ADVISORY
CO	MMITTI	EE	

WHEREAS, the 2000 Virginia General Assembly enacted legislation which permits Stafford to levy Transportation Impact Fees; and

WHEREAS, the County is in the process of evaluating a proposed countywide Transportation Impact Fee program; and

WHEREAS, the enabling legislation requires the establishment of a Transportation Impact Fee Advisory Committee to advise the Board on the establishment of a Transportation Impact Fee program; and

WHEREAS, the advisory committee must consist of 5 to 10 members with at least 40% of such members being from the development, building or real estate industries; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
(David Beiler)	Pleasure of the Board
Member-At-Large	
(Patricia Kurpiel)	Pleasure of the Board
Member-At-Large	
	Pleasure of the Board
Member-At-Large	
	Pleasure of the Board
Development, Building or Real Estate	
	Pleasure of the Board

Development, Building or Real Estate

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November, 2008, that

(James McMath)

Pleasure of the Board

Member-At-Large

be and he hereby is appointed to the Transportation Impact Fee Advisory Committee.

<u>Presentation on Utilities Finances and Rocky Pen Run Status Report.</u> Ms. Susan Fitzgibbon, General Accountant for Utilities, gave a presentation and responded to Board members questions.

Discussion ensued.

Hearing no objections from the Board, staff was requested to provide additional information and report back to the Board at the next Board meeting.

Mr. Keith Dayton, Director of Code Administration, gave a presentation on the Rocky Pen Run Reservoir and responded to Board members questions.

Hearing no objections from the Board, staff was requested to provide additional information.

Recess. At 2:55 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 3:13 P.M., the Chairman called the meeting back to order.

Legislative; Discuss Membership in the Coalition of High Growth Communities Mr.

David Gayle, Assistant Director of Legislative Affairs, gave a presentation and responded

to Board members questions.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to appoint Mr. Crisp as the Stafford

County representative for the High Growth Coalition.

The Voting Board tally was:

Yea: (5) Dudenhefer, Brito, Crisp, Milde, Schwartz, Woodson

Nay: (0)

Absent: (1) Sterling

<u>Legislative</u>; <u>Discuss Developing a Cluster Ordinance for the A-1 and A-2 Zoning Districts</u>

Mr. Brito commented.

Discussion ensued.

Hearing no objections from the Board, The Chairman appointed a committee of Mr. Brito

and Mr. Crisp to further review the issue and report back to the Board with a

recommendation.

Legislative; Discuss Rocky Run Road. Mr. Brito commented.

Discussion ensued.

Hearing no objections from the Board, staff was requested to further review several

issues and report back to the Board.

Legislative; Discuss Bylaws. Mr. Schwartz commented.

Discussion ensued.

Hearing no objections from the Board, the Chairman referred the issues to the Board Bylaws Committee of Mr. Crisp and Mr. Sterling for further review.

<u>Legislative</u>; <u>Discuss Brooke Ridge Subdivision</u>. Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Woodson, to add this item to the Closed Session agenda.

The Voting Board tally was:

Yea: (6) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde

Nay: (0)

Absent: (1) Sterling

<u>Legislative</u>; <u>Discuss Non-Conforming Use.</u> Mr. Crisp commented.

Discussion ensued.

The County Attorney commented further.

<u>Legislative</u>; <u>Appoint Members to Boards</u>, <u>Authorities</u>, <u>Commissions and Committees</u>; <u>Board of Social Services</u>. Mr. Woodson commented.

Mr. Woodson motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-534.

The Voting Board tally was:

Yea: (6) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde

Nay: (0)

Absent: (1) Sterling

Resolution R08-534 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE BOARD OF SOCIAL SERVICES

WHEREAS, Sections 63.1-36 through 63.1-58 of the Code of Virginia (1950), as amended, authorize the Board to appoint members to serve on the Board of Social Services; and

WHEREAS, the Board of Social Services consists of three members with terms of four years; and

WHEREAS, the Board has previously appointed the following:

NAME EXPIRATION

Robert (Bob) Woodson December 31, 2011

(Board of Supervisors)

Elnora Pondexter August 31, 2009

(Member-At-Large)

Frederick A. Donahoe August 31, 2010

(Member-At-Large)

WHEREAS, Elnora Pondexter has tendered her resignation; and

WHEREAS, the Board desires to fill the unexpired term;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November, 2008 that

<u>NAME</u> <u>EXPIRATION</u>

Barbara Jean Hamilton August 31, 2009

(Member-At-Large)

be and she hereby is appointed to the Board of Social Services.

Legislative; Discuss Convenience Commercial Zoning Districts. Mr. Milde commented.

Mr. Jeff Harvey, Director of Planning and Zoning, commented further.

Mr. Milde motioned, seconded by Mr. Crisp to adopt proposed Resolution R08-550.

The Voting Board tally was:

Yea: (6) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde

Nay: (0)

Absent: (1) Sterling

Resolution R08-550 reads as follows:

A MOTION TO INITIATE A ZONING TEXT AMENDMENT TO
ALLOW CLUBS, LODGES AND FRATERNAL ORGANIZATIONS IN
B-1, CONVENIENCE COMMERCIAL ZONING DISTRICTS

WHEREAS, clubs, lodges, and fraternal organizations are presently not permitted in B-1, Convenience Commercial Zoning Districts; and

WHEREAS, the Board desires to allow clubs, lodges, and fraternal organizations

in locations that are convenient to and serve nearby communities; and

WHEREAS, the B-1, Convenience Commercial Zoning Districts are intended to

provide goods and services that are convenient to and serve nearby communities; and

WHEREAS, the Board desires to allow clubs, lodges, and fraternal organizations

in B-1, Convenience Commercial Zoning Districts; and

WHEREAS, the public necessity, convenience, welfare and good zoning practice

require adoption of such an ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 5th day of November 2008, that the Board be and it hereby does

initiate a text amendment to the Zoning Ordinance to allow clubs, lodges, and fraternal

organizations in a B-1, Convenience Commercial Zoning Districts as a use permitted by-

right.

Legislative; Discuss Conditional Use Permit and Proffer Amendment for Stafford

Hospital Center Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R08-

552.

The Voting Board tally was:

Yea:

(6) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde

Nay:

(0)

(1)

Absent:

Sterling

Resolution R08-552 reads as follows:

A RESOLUTION TO INITIATE RECLASSIFICATION APPLICATIONS AND CONDITIONAL USE PERMIT APPLICATIONS FOR STAFFORD HOSPITAL CENTER

WHEREAS, MediCorp Properties, Inc. made proffers as part of Reclassification Applications RC2600138 and RC2700335 pursuant to Ordinance O06-29 and Ordinance O07-73; and

WHEREAS, the County imposed conditions on MediCorp Properties, Inc. as part of Conditional Use Permit applications CUP2600139 and CUP2700336 pursuant to Resolution R06-188 and Resolution R07-416; and

WHEREAS, the purpose of the Reclassification and CUP applications were to allow development of Stafford Hospital Center for the construction of a hospital, medical clinic, medical offices, and related activities; and

WHEREAS, the proffers made with the Reclassification applications and the conditions of the Conditional Use Permits require construction of a two-lane section of a four-lane road to be completed at the time of the occupancy of the hospital building; and

WHEREAS, Stafford Hospital Center intends on opening its doors, in advance of its original target date, to the community for hospital services during the first week of February, 2009; and

WHEREAS, due to circumstances beyond MediCorp's control, it is unlikely that required completion of the two-lane section of the road will be completed in time to allow for the projected opening date of the hospital; and

WHEREAS, the Board believes that the Stafford Hospital Center is a vital community asset and all reasonable efforts should be made to accommodate the earliest

possible opening of the hospital for the health, safety, and welfare of County Citizens;

and

WHEREAS, the Board finds that public necessity, convenience, general welfare

and good zoning practice require adoption of proposed ordinances and resolutions

amending proffers and conditions for Stafford Hospital Center;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 5th day of November 2008, that the Board be and it hereby does

initiate Reclassification and Conditional Use Permit applications to amend proffers and

conditions for Stafford Hospital Center regarding the construction of a two-lane access

road to be completed no later than April 30, 2009, to serve the hospital and further

request that the Planning Commission be instructed to make a recommendation on these

applications by December 31, 2008.

<u>Legislative</u>; <u>Closed Meeting</u>. At 4:03 P.M., Mr. Brito motioned, seconded by

Mr. Woodson, to adopt proposed Resolution CM08-22.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Dudenhefer, Woodson, Brito, Crisp

Nay: (0)

Absent: (1) Sterling

Resolution CM08-22 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and

discuss in Closed Meeting two personnel matters regarding the County Attorney's Office

and County Administration; and pending litigation, SYG Associates v. Stafford County, et

al.; and

WHEREAS, pursuant to Section 2.2-3711 A.1 and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 5th day of November, 2008, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 4:45 P. M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Woodson motioned, seconded by Mr. Brito, to adopt proposed Resolution CM08-22a.

The Voting Board tally was:

Yea: (6) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde

Nay: (0)

Absent: (1) Sterling

Resolution CM08-22a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON NOVEMBER 5, 2008

WHEREAS, the Board has, on this the 5th day of November, 2008, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 5th day of November, 2008, that to the best of

each member's knowledge: (1) only public business matters lawfully exempted from

open meeting requirements under the Virginia Freedom of Information Act were

discussed in the Closed Meeting to which this certification applies; and (2) only such

public business matters as were identified in the Motion by which the said Closed

Meeting was convened were heard, discussed, or considered by the Board. No member

dissents from the aforesaid certification.

Legislative; Outside Legal Counsel. Mr. Schwartz motioned, seconded by Mr. Woodson,

to authorize the County Attorney to hire on a consulting basis a land us attorney and that

the County Administrator set aside funds in an amount not to exceed \$75,000 from the

Contingency Fund.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to request the County

Attorney conduct an analysis of the various law suits that are being brought against us

what they will cost to defend and report back at the next Board meeting before we expend

funds.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea:

(2) Dudenhefer, Milde

(4) Crisp, Schwartz, Woodson, Brito

Absent: (1) Sterling

Mr. Milde made a second degree amendment to the original motion, seconded by Mr.

Dudenhefer, to request that the County Attorney come back next Board meeting with cost

estimates of what we are getting into and how long some of these suits might be potracted, what kind of scenarios we will be faced with and what kind of cost implementation we will be faced with.

The Voting Board tally was:

Yea: (2) Dudenhefer, Milde

Nay: (4) Brito, Crisp, Schwartz, Woodson

Absent: (1) Sterling

The Voting Board tally on the original motion was:

Yea: (4) Brito, Crisp, Schwartz, Woodson

Nay: (2) Dudenhefer, Milde

Absent: (1) Sterling

Recess. At 5:02 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 7:03 P. M. the Chairman called the meeting back to order.

<u>Pledge of Allegiance.</u> Mr. Schwartz acknowledged Boy Scout David Silk of Troop 165, who led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Invocation. Mr. Schwartz gave the Invocation.

<u>Legislative</u>; <u>Presentations by the Public</u> The following persons spoke on topics as identified:

Joe Grainger - Staffing at fire and rescue stations.

Jonathan Henson - Staffing at fire and rescue stations

<u>Legislative</u>; Consider Allocation of Business, Professional and Occupational License Tax Revenues. Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Brito, to adopt proposed Ordinance O08-76.

Mr. Milde made a substitute motion, seconded by Mr. Sterling, to defer this item until January, 2010.

The Voting Board tally was:

Yea: (3) Sterling, Milde, Dudenhefer

Nay: (4) Woodson, Brito, Crisp, Schwartz

Mr. Sterling made a substitute motion, seconded by Mr. Dudenhefer, to direct the staff to fund those General Fund positions by moving them back into the General Fund for the upcoming budget year rather than fund them thru the Transportation Fund.

Discussion ensued.

The Voting Board tally on the substitute motion was:

Yea: (4) Sterling, Milde, Dudenhefer, Crisp

Nay: (3) Woodson, Brito, Schwartz

The Voting Board tally on the original motion was:

Yea: (4) Crisp, Woodson, Brito, Schwartz

Nay: (2) Sterling, Dudenhefer

Abstain: (1) Milde

Ordinance O08-76 reads as follows:

AN ORDINANCE TO AMEND ORDINANCE 008-64, WHICH AMENDED AND REORDAINED THE STAFFORD COUNTY CODE, CHAPTER 23, BY ADDING ARTICLE X, ENTITLED BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE FOR THE SOLE PURPOSE OF CHANGING THE ALLOCATION OF THE BPOL REVENUES

WHEREAS, at a meeting on July 1, 2008 the Board adopted Ordinance O08-64 which was an ordinance to Amend and Reordain the Stafford County Code, Chapter 23, by Adding Article X, Entitled Business, Professional and Occupational License (BPOL); and

WHEREAS, the Board added to the proposed ordinance at the time of adoption, additional language which directed "that all revenues to be raised by the Business, Professional and Occupational License tax be dedicated to the Transportation Fund"; and

WHEREAS, the Board desires to amend the dedication of the funds;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of November, 2008 that the Board be and it hereby does amend Ordinance O08-64 which Amended and Reordained the Stafford County Code, Chapter 23, by Adding Article X, Entitled Business, Professional and Occupational License for the sole purpose of changing the allocation of BPOL revenues from the Transportation Fund to the General Fund as follows:

BE IT FURTHER ORDAINED that <u>three-fourths of the revenues</u> to be raised by the Business, Professional and Occupational License tax be dedicated to the <u>Transportation General</u> Fund <u>and one-fourth to the Transportation Fund</u>; and

BE IT STILL FURTHER ORDAINED that this ordinance shall become effective on January 1, 2010.

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from B-1, Convenience Commercial to A-1, Agricultural Zoning District at 122 Mountain Avenue; Consider a Conditional Use Permit at 122 Mountain Avenue; Consider a Conditional Use Permit at 200 Rabbit Road; and Consider a Conditional Use Permit at 244 Thorny Point Road. Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation on all four issues and responded to Board members questions.

The Chairman opened a public hearing on proposed Ordinance O08-77.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Milde to adopt proposed Ordinance O08-77.

The Voting Board tally was:

Yea: (7) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde, Sterling

Nay: (0)

Ordinance O08-77 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM B-1, CONVENIENCE COMMERCIAL TO A-1, AGRICULTURAL ZONING DISTRICT ON ASSESSOR'S PARCEL 54-45A, GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Board of Supervisors, applicant, has submitted application

RC2800572 requesting reclassification of the above-mentioned property, consisting of

approximately 3.61 acres, located on the west side of Mountain Avenue approximately

700 feet north of White Oak Road within the George Washington Election District; and

WHEREAS, the Board has carefully considered the recommendation of the

Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible

with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare,

and good zoning practice require adoption of an ordinance to reclassify the subject

property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of

Supervisors on this the 5th day of November, 2008, that the Zoning Ordinance for

Stafford County be and it hereby is amended and reordained by amending the zoning

district map to reclassify from B-1, Convenience Commercial to A-1, Agricultural

Zoning District on Assessor's Parcel 54-45A.

The Chairman opened a public hearing on proposed Resolution R08-480.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Milde to adopt proposed Resolution R08-480.

The Voting Board tally was:

Yea: (7) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde, Sterling

Nay: (0)

Resolution R08-480 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT, PURSUANT TO APPLICATION CUP2800573, TO ALLOW A **TELECOMMUNICATIONS FACILITY** IN AN A-1. ASSESSOR'S AGRICULTURAL, **ZONING** DISTRICT ON **PARCEL** 54-45A, **GEORGE** WASHINGTON **ELECTION DISTRICT**

WHEREAS, the Stafford County Board of Supervisors, applicant, has submitted application CUP2800573 requesting a Conditional Use Permit to allow a telecommunications facility in an A-1, Agricultural, Zoning District on Assessor's Parcel 54-45A; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1 of the Zoning Ordinance which permits this use in an A-1, Agricultural, Zoning District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November, 2008, that a Conditional Use Permit, pursuant to application CUP2800573, be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is for a telecommunication facility to be located on Assessor's Parcel 54-45A.
- 2. There shall be only one (1) tower permitted on the property. The height of the existing telecommunications tower shall not be increased, except for a lightning rod or similar appurtenances.
- 3. There shall be no additional lights beyond what is required for safety purposes on the telecommunications tower unless required by the Federal Aviation Administration (FAA).
- 4. There shall be no signs on the telecommunication tower or any other structures on the site other than an identification sign required by the Federal Communications Commission (FCC) or other federal or state agency.
- 5. Once the equipment is determined to be obsolete, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. Within twelve (12) months of cessation of use of the facility, the equipment and the tower shall be removed by the owner.
- 6. There shall be no habitable structures located on the subject property.
- 7. Access to the facility shall be from Mountain Avenue.
- 8. The applicant shall remove the wooden fence around the free-standing tower and replace it with eight (8) foot tall chain-link fence with vinyl slats and barbed wire to screen and protect all proposed structures and the free-standing tower from view from Mountain Avenue and any other adjust properties.
- 9. The applicant shall screen the eight (8) foot tall chain-link fence with a fifteen (15) foot wide landscaping buffer consisting of two (2) rows of evergreen trees,

staggered and at least six (6) feet tall when planted which would be in accordance

with Section 130 of the Design and Construction Standards for Landscaping,

Buffering and Screening (DCSL).

10. The applicant shall place a metal, rust-resistant sign, at least four (4) square feet in

area, on the eight (8) tall chain-link fence facing Mountain Avenue with the name

of the current owner of the telecommunications facility and a 24-hour, toll-free or

local phone number in case of emergency.

11. Storage of supplies and equipment shall not be visible from any adjoining

properties.

12. Any future site licensees must provide an intermodulation study showing that

their telecommunications equipment will not interfere with Stafford County's

public safety communications signals on this telecommunications facility.

13. If building permits are not obtained within five (5) years from the date of

approval, this Conditional Use Permit shall expire.

14. This Conditional Use Permit may be revoked or conditions amended by the Board

for violation of these conditions or any applicable county, federal, or state codes.

The Chairman opened a public hearing on proposed Resolution R08-482.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Milde to adopt proposed Resolution R08-482.

The Voting Board tally was:

Yea: (7) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde, Sterling

Nay: (0)

Resolution R08-482 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT, PURSUANT TO APPLICATION CUP2800575, TO ALLOW A TELECOMMUNICATIONS FACILITY IN AN A-1, AGRICULTURAL, ZONING DISTRICT ON ASSESSOR'S PARCEL 55-158B, GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Stafford County Board of Supervisors, applicant, has submitted application CUP2800575 requesting a Conditional Use Permit to allow a telecommunications facility in an A-1, Agricultural, Zoning District on Assessor's Parcel 55-158B; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1 of the Zoning Ordinance which permits this use in an A-1, Agricultural, Zoning District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of November, 2008, that a Conditional Use Permit, pursuant to application CUP2800575, be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is for a telecommunication facility to be located on Assessor's Parcel 55-158B.
- 2. There shall be only one (1) tower permitted on the property. The height of the existing telecommunications tower shall not be increased, except for a lightning rod or similar appurtenances.
- 3. There shall be no additional lights beyond what is required for safety purposes on the telecommunications tower unless required by the Federal Aviation Administration (FAA).
- 4. There shall be no signs on the telecommunication tower or any other structures on the site other than an identification sign required by the Federal Communications Commission (FCC) or other federal or state agency.
- 5. Once the equipment is determined to be obsolete, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. Within twelve (12) months of cessation of use of the facility, the equipment and the tower shall be removed by the owner.
- 6. There shall be no habitable structures located on the subject property.
- 7. Access to the facility shall be from Rabbit Road.
- 8. Any future site licensees must provide an intermodulation study showing that their telecommunications equipment will not interfere with Stafford County's public safety communications signals on this telecommunications facility.
- 9. Storage of supplies and equipment shall not be visible from all adjoining properties.

10. If building permits are not obtained within five (5) years from the date of approval, this Conditional Use Permit shall expire.

11. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

The Chairman opened a public hearing on proposed Resolution R08-484.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Sterling to defer adopt proposed Resolution R08-484 for two weeks.

The Voting Board tally was:

Yea: (7) Schwartz, Dudenhefer, Woodson, Brito, Crisp, Milde, Sterling

Nay: (0)

<u>Planning and Zoning; Consider an Amendment to the Comprehensive Plan – Urban Services Area Road</u> Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Charlie Payne

Harvey Gold

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer to defer this item until the Comprehensive Plan is completed.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Crisp, to defer this item to the next Board meeting to allow staff to amend maps with additional areas.

may to union source to unione maps with description described

Mr Dudenhefer made a second substitute motion, seconded by Mr. Sterling, to defer until the plan from the Planning Commission can be combined with this one and we can get a presentation and a work session with the entire Planning Commission so that we can look at this comprehensively

instead of piecemeal.

The Voting Board tally on the second substitute motion was:

Yea: (3) Dudenhefer, Milde, Sterling

Nay: (4) Schwartz, Woodson, Brito, Crisp

The Voting Board tally on the substitute motion was:

Yea: (4) Schwartz, Woodson, Brito, Crisp

Nay: (3) Dudenhefer, Milde, Sterling

Recess. At 8:15 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 8:26 P.M., the Chairman called the meeting back to order.

<u>Fire and Rescue Insurance Services Office Follow-up</u>. Mr. Rob Brown, Fire Chief, gave a presentation and responded to Board members questions.

Discussion ensued.

Hearing no objections from the Board, the Chairman stated that the Chief was going to have to make the decision, he had already zeroed in on Proposal #1, and stated further that he would appoint Mr. Sterling and himself to a committee to determine a resolution to the career staffing for Fire and Rescue.

Adjournment. At 9:20 P.M., the Chairman declared the meeting adjourned.			
Anthony J. Romanello, ICMA-CM	George H. Schwartz		
Anthony J. Romaneno, icma-cm	George II. Schwartz		
County Administrator	Chairman		